IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO. 3405/1994

VINEET MAHESHWARI Vs. UNION OF INDIA & ORS.

Date: 06.12.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Man Singh Gupta for the petitioner.
Mr. Virendra Lodha for the respondents.

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Brief facts of the case are that the petitioner was given appointment as Stenographer-cum Clerk-cum-Typist (English) in Jaipur Nagaur Aanchalik Gramin Bank vide order dated 18.07.88 on certain terms and conditions as stipulated in the appointment order itself. The National Industrial Tribunal was constituted vide resolution of the Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi dated 26.11.87. The Hon'ble Justice Shri S. Obul Reddi, retired Chief Justice of the Andhra Pradesh High Court was appointed to decide the disputes referred to the Tribunal i.e. the dispute relating to pay, salary, other allowances and other benefits payable to the employees of the Regional Rural Banks in terms of the pleadings of the parties in the Writ Petition (Civil)

No. 7149-50 of 1982 and No. 132 of 1984 filed in the Supreme Court of India. The Award was declared on 30.11.90. As per the Award dated 22.02.91, which is impugned hereunder and the Schedule appended therewith with regard to Equation of posts in RRBs Vis-a-Vis Sponsor Bank (Annexure-I) along with the Award and as per Clause (e) of RRB, Junior Clerk-cum-Cashier, Junior Clerk-cum-Typists, Stenographers, Steno-typists, and as per Clause (e) of Sponsor Bank (Commercial Banks), Clerk-cum-Cashiers, Clerk-cum-Typists and Stenographers (Special/functional allowances in Sponsor Banks attached to the posts like Stenographers, Cashier-in-charge may be made applicable mutatis-Mutandis (2.8.9).

Aggrieving and dissatisfying with this clubbing equating the posts in RRBs and Sponsor Bank, the petitioner has preferred this writ petition on the ground that the pay of the person who were appointed prior to 01.09.87 was protected but those who were appointed including the petitioner after 01.09.87 were denied the benefit of pay protection. The benefit of pay fixation was absolutely irrational having no reasonable nexus with the object to be achieved.

It is also contended on behalf of the petitioner that the petitioner was appointed as Stenographer Grade-II, but there is no such post in the

UCO Bank, which is the sponsor Bank of the Jaipur Nagaur Anchalik Gramin Bank and the same pattern ought to have been followed and made applicable to the Stenographers serving under the respondent No.3. The rationality and equity demanded that the pay scale and the rank of Stenographer under the respondent No.3 and in other Regional Rural Banks ought to have been in the pay scale of Rs. 1400-2600/- and the post of Stenographer ought not to have been clubbed or regrouped with the Junior Clerk-cum-Cashier or Junior Clerk-cum-Typist or Steno Typist. It is also contended that the Award has not been properly interpreted and the Award has been passed without considering all three grades of the Stenographers in the Sponsor Banks i.e. Grade I, II and III and as per the recommendations of the Award, the petitioner was to be given the Grade-II i.e. Rs. 2100-4020 which is equivalent to the grade of Stenographer as in the Regional Rural Banks, there is no post of Stenographer Grade-I i.e. in the pay scale of Rs. 900-2860. Due to misinterpretation of the Award ignoring the aspect that under the respondent No.3, there was only one post of Stenographer in the pay scale of Rs. 1400-2600 which was equivalent to Grade-II in the Sponsor UCO Bank. More or less, the petitioner tried to equate the service conditions with other banks

and submits that he should be given the benefit of Stenographer Grade-II.

On the contrary, learned counsel for the respondent Bank has categorically stated that the petitioner was never given appointment on the post of Stenographer Grade-II as the petitioner himself admits that there is no such post exists in the Jaipur Nagaur Aanchalik Gramin Bank and he was appointed on the post of Stenographer-cum-Clerk-cum-Typist (English) vide order dated 18.07.88, which has been accepted by the petitioner and after acceptance and after joining the services on the post, the petitioner is estopped to challenge the Award passed. It is also contended that the writ petition has been filed after a delay of six years from the date of appointment and after three years of passing of the Award.

I have considered all aspects of the matter and carefully perused the Award.

It appears that the petitioner was given appointment on the post of Stenographer-cum-Clerk-cum-Typist (English) and as per clause (e) of Annexure-I appended with the Award, it is made clear that post is equated and the petitioner never given appointment on the post of Stenographer Grade-II and only because some stenographer are given appointment on the post with the

UCO Bank, the petitioner cannot equate his case. It is not the case that the petitioner's pay has not been protected as per the Award but, on the contrary revised accordingly under the recommendations made by the Award.

I am not satisfied with the petitioner and the petitioner is not able to make out any case, which requires any interference, as in Chapter-II (Appointments, Probation and Termination of Service) of the Jaipur Nagaur Aanchalik Gramin Bank Staff Service Regulations, as per clause 3(3), “Employees shall include Clerk, Junior Clerk, Stenographer-cum-Clerk .....” and evidently there is no post of Stenographer Grade-II, thus, the relief claimed by the petitioner cannot be granted.

Consequently, the writ petition fails being devoid of merit and the same is hereby dismissed.

(K.S. RATHORE),J.

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